



**4910-06-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket No. FRA-2019-0004-N-18]**

### **Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On August 21, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

**DATES:** Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

**ADDRESSES:** Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira\_submissions@omb.eop.gov*.

**FOR FURTHER INFORMATION CONTACT:** Ms. Hodan Wells, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division,

Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: (202) 493-0440) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: (202) 493-6132).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On August 21, 2019, FRA published a 60-day notice in the *Federal Register* soliciting comment on the ICRs for which it is now seeking OMB approval. *See* 84 FR 43645. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

*Comments are invited on the following ICRs regarding:* (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's

estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

*Title:* Filing of Dedicated Cars.

*OMB Control Number:* 2130-0502.

*Abstract:* Title 49 CFR part 215 contains freight car safety standards, including conditions for freight cars in dedicated service. “Dedicated service” means the exclusive assignment of railroad cars to the transportation of freight between specified points under the conditions listed in 49 CFR 215.5(d), including stenciling, or otherwise displaying, in clear legible letters on each side of the car body, the words “Dedicated Service.” The railroad must notify FRA in writing that the cars are to be operated in dedicated service.

*Type of Request:* Extension without change of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 746 railroads.

*Frequency of Submission:* On occasion/monthly.

*Total Estimated Annual Responses:* 4.

*Total Estimated Annual Burden:* 4 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$304.

*Title:* Rear End Marking Devices.

*OMB Control Number:* 2130-0523.

*Abstract:* Title 49 CFR part 221 contains requirements for rear end marking devices. Railroads must give FRA a detailed description of the type of marking devices used for any locomotive operating singly or for cars or locomotives operating at the end of a train (trailing end) to ensure they meet minimum standards for visibility and display. Specifically, part 221 requires railroads to furnish a certification that each device has been tested in accordance with current “Guidelines for Testing of Rear End Marking Devices.” Additionally, part 221 requires railroads to furnish detailed test records, which include the names of testing organizations, description of tests, number of samples tested, and the test results, to demonstrate compliance with the performance standard.

*Type of Request:* Extension with change (revised estimates) of a currently approved collection.

*Affected Public:* Businesses (railroads).

*Form(s):* N/A.

*Respondent Universe:* 746 railroads + 24 manufacturers.

*Frequency of Submission:* On occasion.

*Total Estimated Annual Responses:* 2.

*Total Estimated Annual Burden*<sup>1</sup>: 2 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$152.

*Title:* System Safety Program.

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<sup>1</sup> Total estimated annual burden includes recordkeeping.

*OMB Control Number:* 2130-0599.

*Abstract:* FRA uses the collection of information to ensure that commuter and intercity passenger railroads establish and implement System Safety Programs (SSPs) to improve the safety of their operations and to ensure compliance with the rule. Each railroad will use its SSP/SSP Plan to proactively identify and mitigate or eliminate hazards and the resulting risk on its system at an early stage to reduce the number of railroad accidents, incidents, and associated injuries, fatalities, and property damage. A railroad has the flexibility to tailor an SSP to its specific operations. An SSP will be implemented when FRA approves a railroad's submitted SSP Plan. Under this information collection, FRA will audit a railroad's compliance with its SSP Plan. FRA will use the information to ensure and enforce compliance with this regulation.

*Type of Request:* Extension with change (revised estimates) of a currently approved collection.

*Affected Public:* Businesses (railroads).

*Form(s):* N/A.

*Respondent Universe:* 33 railroads.

*Frequency of Submission:* On occasion/monthly.

*Total Estimated Annual Responses:* 738.

*Total Estimated Annual Burden:* 2,084 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$169,396.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid

OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

**Brett A. Jortland,**

*Acting Chief Counsel.*

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